

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

JUL 07 2014

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

JAMES W. McCORMACK, CLERK
By: SO DEPT. CLERK

RUTH MCSWAIN,

Plaintiff,

v.

CREDIT CONTROL, LLC,

Defendant.

) CIVIL ACTION NO.: 5:14 cv 264 KGB

) COMPLAINT AND DEMAND FOR
) JURY TRIAL

) (Unlawful Debt Collection Practices)

) This case assigned to District Judge Baker

Young

RUTH MCSWAIN (Plaintiff), through attorneys, KROHN & MOSS, LTD., alleges the following against CREDIT CONTROL, LLC (Defendant):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
3. Defendant conducts business in the state of Arkansas, and therefore, personal jurisdiction is established.
4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in De Witt, Arkansas County, Arkansas.
6. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to

1 Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).

2 7. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought
3 to collect a consumer debt from Plaintiff.

4 8. Defendant is a collection agency and conducts business in Hazelwood, MO.

5 9. Defendant acted through its agents, employees, officers, members, directors, heirs,
6 successors, assigns, principals, trustees, sureties, subrogees, representatives, and
7 insurers.

8 **FACTUAL ALLEGATIONS**

9 10. At or around 1:59pm on January 8, 2014, Defendant's representative, "Daniel", placed a
10 collection phone call to Plaintiff, whose phone number is 870-946-61XX, seeking and
11 demanding payment for an alleged debt.
12

13 11. Plaintiff's alleged debt arises from transactions for personal, family, and household
14 purposes.

15 12. Defendant's call on January 8, 2014 was placed from phone number 888-401-9026,
16 which is phone number that belongs to Defendant.

17 13. Plaintiff answered defendant's phone call, and informed Defendant's representative,
18 "Daniel", that Plaintiff had retained attorney Stacy Robinson to represent Plaintiff in this
19 matter.

20 14. Despite receiving notice that Plaintiff was represented by an attorney, Plaintiff received
21 additional phone calls from Defendant on or around January 8, 2014 at 8:08am; and
22 January 10, 2014 at 4:43pm.
23
24
25

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

16. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692c(a)(2) of the FDCPA by communicating with Plaintiff despite knowing that Plaintiff was represented by an attorney.

WHEREFORE, Plaintiff, RUTH MCSWAIN, respectfully requests judgment be entered against Defendant, CREDIT CONTROL, LLC, for the following:

17. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,

18. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,

19. Any of relied this Honorable Court deems appropriate.

Date: July 2, 2014

RESPECTFULLY SUBMITTED,

By: 

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